

MARYLAND STATE BOARD OF VICTIM SERVICES MEETING MINUTES

Wednesday, January 6, 2010

Anne Arundel County Police Department Headquarters

ATTENDEES

Board Members: Ellen Alexander, Barbara Bond, Walter T. Coryell, Linda Fleischer, Rea Goldfinger, Ed Parker on behalf of Kristen Mahoney, Patricia Marshall, Laura Martin, Margery Patten, Jeanne Cooper on behalf of Johnny Rice, II, Sandy Roberts, Roberta Roper, Debra Tall, Deborah Unitus, Cheryl Tyiska on behalf of Frank R. Weathersbee, Virginia Wolf and Robin Woolford.

Staff: Shirley Haas, Anne Litecky and Nakita Long.

Guests: Michael Cohen, Jeanne Cooper, Jean Gover, Norma Harley, Phyllis Slade Martin and Michelle Thompson.

Welcome and Introduction: Roberta Roper began the meeting at approximately 10:10 a.m.

Review of Minutes: The minutes from the December 2009 Board meeting were disseminated and approved with some grammatical corrections and with the following changes: (1) State that "Actual Innocence" was a bill passed in 2009, (2) The survey developed by the Maryland Statistical Analysis Center was distributed to law enforcement agencies, state's attorneys' offices and victim service providers in selected jurisdictions throughout the State, (3) The Maryland State Board of Victim Services (Board) directed the Board Chair to draft a letter to the Attorney General requesting an opinion, (4) There may be an 'exception' in the Title 8 USC 1621, and (5) correct the name of Pat Stevenson, Maryland Parole Commission.

LEGISLATIVE COMMITTEE

Towing/Impounding Crime Victims' Vehicles

Patricia Marshall advised that she has been in communication with Delegate Doyle Nieman via email and he has advised her that there is statewide towing legislation being drafted. At the request of Roberta Roper, Patricia asked Mr. Nieman if he had a draft of the bill to share with the Board. Delegate Nieman advised that although there is a draft of the bill, it does not address the victims' issue and therefore the Board needs to push for victims' issues to be included. He advised that he will try to get a copy of the bill once it comes back from the Task Force. He indicated that he would be happy to push for an amendment during deliberation, but because it is a Task Force bill, it can not be changed ahead of time. Patricia asked if the Board should do a letter in order to support the issue. Laura Martin advised that we should wait and review the bill in order to know exactly what we would be asking the bill to do then determine whether or not the Board supports the bill.

Patricia advised that there are seven impound lots in Prince George's County which generate a lot of money and the fees received from victims are most likely miniscule. Laura advised that there would be a backlash from towing companies in response to the bill and therefore we may want to think of alternatives to help alleviate the problem. Ed questioned how someone would establish themselves as a crime victim. Shirley Haas advised that in Baltimore City the biggest problem for crime victims that she has seen is not with the towing companies but with the impound lot and storage fees. Roberta Roper indicated that the National Center for Victims of Crime would have some legislative history on similar attempts in other states. Cheryl Tyiska stated that in Anne Arundel County there is a problem when a victim's car is stolen, put in an impound lot and the victim is not notified until days or weeks later. Additionally, there are instances when a police officer knows the vehicle is in the impound lot because it is being held as

evidence and can't be released to the victim. Once the vehicle is released to the victim, impound and storage fees still apply. Furthermore, when cars are held as evidence, the impound lots refuse to let the victims go into the lot to cover the property up, which results in a lot of damage to the vehicles. Cheryl suggests that victims be able to go into the lot to at least be able to put a tarp over the vehicle. Marjorie advised that in her particular case, her son Mike's car was taken as evidence in his homicide case; however, they did not receive a call until months later advising them that they would need to do something about the car. Marjorie hired a tow truck to bring the vehicle to her house and she was not charged a fee. Laura advised that they do not charge tow fees and have covered victims' vehicles with tarps in Calvert County, but they are small and the facilities are run by police making it possible for them to be able to do that. Roberta advised that to the extent possible, either the Task Force or Delegate Neiman should do some research to find out how other states have addressed these issues. Ellen Alexander suggested that the Chief of Police Association send out letters to their members asking what each county or different jurisdiction does. She further advised that the impound fee for vehicles that are held as evidence in Montgomery County does not start until after the vehicle has been released and then the police must notify the victims that the vehicle has been released. If the police fail to notify victims, they have been successful in making the county pay through its risk assessment as a liability. For those victims who were never notified and their cars were auctioned off as a result, the county is made responsible for paying the full value of replacement cars. Shirley advised that all of these solutions are good, however, they are all reactive and therefore just adds to the victimization and therefore the Task Force needs to look at prevention efforts. Barbara advised that the Task Force has been in existence for some time and it might be worthwhile to talk with someone from the Task Force to see what type of information they have which may already address these issues. Roberta Roper suggested that Barbara Bond and Patricia Marshall work in a combined effort with Delegate Nieman.

Reabuse Bill

Michael Cohen advised that there are drafts of Delegate Dumais' "re-abuse" bill circulating. The goal is to have the bill finalized by January 16 for distribution. Delegate Dumais' bill would allow a judge to extend the duration of a Protective Order and any or all of the relief granted by the Protective Order for a period up to five years beyond the expiration of the Order, if the Judge finds by clear and convincing evidence that the respondent committed a subsequent act of abuse against a person eligible for relief during the term of the Protective Order. The Judge would need to consider the nature and severity of the subsequent act of abuse, the history and severity, type of criminal charges that may be pending and the nature and extent of injuries. Michael stated that they have been trying to extend the protective order, but in the past the committee has rejected that option; however, they did seem to be more supportive if there is a demonstrated seriousness. Last year the general Assembly passed a bill that stated if there is a violation of a Protective Order, there may be an extension granted.

Landlord/Tenant Bill

Michael Cohen advised that Delegate Cheryl Glenn's Safehome Directive which applies to renters and provides protection to victims of domestic violence in certain instances is also circulating and is expected to be finalized by January 16. This bill only applies to domestic violence victims as the sponsor did not want to expand it to general crime victims in part because of the evidence that would be required. The four areas of this bill are (1) Lease termination, which implies if the tenant wants to break the lease, however the victim would need a protective order and/or medical records, (2) Eviction defense – Court judgment, (3) Changing of Locks – based on a protective order allowing the landlord to change the locks and not charge, however if the landlord failed the tenant could change the locks, and (4) Fair Housing forbids not discriminating against victims of domestic violence.

Barbara Bond inquired if Board members would like to send a letter in support of Michael's proposed bill. Michael advised that she is informing the Board about the bills, but she is not actually asking for

formal support. If the Board is interested in the bill Michaelae offered to send an electronic copy of the final version of the bill.

HB 60 – “Alexis’s Law”

Barbara Bond, Chair, advised that the “Alexis’s law” bill was interesting. Michelle Thompson stated that the “Alexis’s law” proposal is in response to an Eastern Shore case involving the rape and murder of a 14 year old girl that happened several months ago when a man violated a no contact order. The court told the family the offender would be back in court in 3 weeks and have a hearing. The bill proposes to get hearings for violations of the no contact provisions sooner. The note written on the bill states that “if a defendant contacts, harasses or abuses the victim during pre/post trial release a bench warrant and expedited hearing shall take place.” The defendant may be held or released with or without charges if the offender violates the provisions of the no contact order.

CICB/HB 76 - Criminal Procedure Claimant Confidentiality CICB/HB 77 - Claims to Victims outside of the United States

Patricia Marshall had a copy of HB76 and HB77 which she passed around to Board members. Sandy Roberts advised that these bills are department bills and not CICB bills and therefore Robin Woolford would best be able to discuss these bills. Robin Woolford advised that this is the third session in which they are going to present these two bills. HB 76 involves claimant confidentiality where the claimant’s contact information, which is now public information, may be withheld. Sandy Roberts advised that HB 77 is for victims who are citizens of the United States and injured outside of the country. Robin Woolford further explained that HB 77 is to cover Maryland citizens who are injured in a crime overseas, which the law currently does not allow. The current statute only allows CICB to cover Maryland citizens overseas if they are injured by a terrorist incident.

Prior proposals to amend the law by Senator Brochin were prompted by a front page article in the Baltimore Sun on CICB paying convicted felons. However, nothing in the statute prevents CICB from doing so. In fact, an opinion of the Court of Appeals requires CICB to pay convicted felons if the criminal background is not related to the incident in which the convicted felon was injured. Since the running of the article, Senator Brochin has amended every bill CICB has drafted to include that if convicted of an illegal offense, you are prohibited from obtaining compensation. Robin advised that in some states, there is either a time frame depending on the severity of the crime if they have been convicted of certain felonies within five years or ten years. Just a low level crime would not prohibit someone from filing and obtaining compensation. This bill would prevent someone from receiving compensation even if they were convicted of a simple assault 20 years ago and had been a model citizen since.

New Legislation

Barbara Bond requested the Board to contact her with any new legislation or ideas that need to be addressed by the Committee.

OLD/NEW BUSINESS

MCICB: Undocumented Crime Victims/Claim Processing Status

Ed Parker advised that when we adjourned at the last meeting, everyone agreed to submit a formal request to the Attorney General for a formal opinion on denying illegal immigrants the right to file a CICB claim. Subsequent to the meeting, Kristen Mahoney spoke with Secretary Maynard and learned that Secretary Maynard was unaware of the issue and had not been involved in any policy changes or any contemplated

policy changes. Ed advised that this is not a personal criticism of Robin, however, as far as he knows the information never percolated up the chain of command to Secretary Maynard's level. Kristen believes that it is certainly in all of our best interests to give Secretary Maynard an opportunity to become a little more well versed on the issue and look at what, if any, changes he wanted to make within his organization. Ed was also advised by Tomi Heirs that no policy changes have been implemented by CICB right now. With respect to illegal aliens; benefits are not being denied, identification and social security numbers are not being demanded, and as a practical matter, Tomi, with input from Russell Butler, has started a process to engage stakeholders more actively on this issue and other CICB issues thereby allowing people to be aware of how and why decisions are made, even if someone doesn't agree. A meeting will be held in February. Ed also encouraged everyone, from this point forward, to contact Robin, Tomi, or Secretary Maynard's office with any issues relating to this matter, as this is not a matter GOCCP can resolve.

Roberta Roper advised that she asked Ed to address this matter because during in the interim between December's Board meeting and Christmas, she had spoken with Kristin and based upon the information that Kristin discovered and her recommendation, Roberta sent out an email to all Board members asking for their approval to withdraw of the letter to the Attorney General requesting a formal opinion, until this process could be resolved. Roberta advised the Board that this issue is an important issue and we will follow-up and try to resolve it to the satisfaction of the people we serve.

Robin Woolford advised that Ed Parker is partially correct in that CICB is back to the status quo where providers are concerned. If a claim is filed solely for provider expenses (i.e. hospital and medical bills, funeral costs, etc), the money is paid directly to the provider. However, if the provider owes money to the Comptroller's Office, CICB funds are confiscated. The issue with illegal aliens has always been that without a valid Social Security Number or individual Tax Identification Number, CICB is unable to pay lost wages or reimbursement because the Comptroller's Office will not process any payment without one or the other. Therefore, CICB is still requesting Social Security Numbers and Tax Identification Numbers for the purpose of getting payments processed through the Comptroller's Office. The finance office has made it clear that absent Social Security Numbers and Tax ID numbers the Comptroller's Office will not process payments. This has been and continues to be the issue when there are multiple Social Security Numbers and/or multiple names attached to one Social Security Number.

Robin indicated that there have not been any final decisions made, but he was advised to revert back to the status quo, unless he is told otherwise. During conversations with Dan Eddy, Director of the National Criminal Injuries Compensation Association, Robin was advised that there may be a decision forthcoming from OVC regarding the applicability of the Federal statute to CICB. This matter has been in front of OVC for seven years; however, there is now a newly appointed OVC Director. Ed inquired if Robin was given any indication regarding which direction they may be leaning towards. Robin replied no. Robin advised that as of yesterday, there are still discussions going on. Sandy advised that he met with Secretary Maynard on yesterday and although they are delaying the implementation of this policy, CICB still has an opinion from the Attorney General which says this is the law and we must be very cognizant of the law until something is done to change it. The stakeholder meeting that is being coordinated is very important in terms of how these issues are addressed. Sandy advised that he and Secretary Maynard are committed to working jointly to resolve this matter quickly.

Ellen Alexander suggested waiting for a Federal opinion that may challenge or support our contention to continue to pay. She advised that in speaking with Dan Eddy and Steve Derene, who oversee VOCA funds, they do not see the unintended consequences if the federal government goes against what we hope they will support. This is not just a compensation matter. There will be an intrusion into programs and services if they are unable to serve or counsel illegal immigrants. Only limited emergency shelter will be provided. The Board needs to be prepared to look at alternatives. Roberta advised that she expressed to Kristin that we should not fear the response to our request for a formal AG opinion because it provides

guidance. The victims' movement has been about improving the law and services, and in doing so, sometimes the laws must be tested.

KAIZEN Session

Robin advised that Secretary Maynard has planned a Kaizen, an intense session to last three days. The invitee list is being prepared. The goal of Kaizen is to involve as many stakeholders as possible, with not only a three day commitment but a commitment for follow-up. The tentative schedule is for the second week in February but the exact start times have not been established.

Grant Review Committee

Anne Litecky advised that there was a small delay with posting the Notice of Funding Availability (NOFA). The Grant Review Committee will convene next month to proceed with the review, with the inclusion of outside reviewers.

Board Attendance

Anne advised that the Governor's Appointment Office will request documentation for 2009 Board attendance this month and she will be sending each Board member an assessment of their standing with attendance for the 2009 Board meetings.

Ethics Commission Reports

The Ethics Commission reports will be due in April. You can go to their website and submit it online. Anne advised the Board to contact her with any questions regarding this matter.

Maryland Crime Victims Resource Center Training

Roberta advised that Anne sent out an email regarding the Maryland Crime Victims Resource Center, Inc. (MCVRC) Training on February 24, 2010 regarding Developing an Elder Justice Community Collaboration. It is a free, one-day training to build coalitions between anyone who provides services to the elder community and crime victims. This training specifically targets Calvert, Anne Arundel and Prince George's counties. Roberta advised the Board to direct all questions to Merry O'Brien regarding this training at 301-952-0063.

Law Enforcement Training for VINE Notification of Protective Order Service

Ed Parker advised that GOCCP is moving ahead with a work group that will provide a series of training to law enforcement around the State. The purpose of the training is to prepare those tasked with operating the new system to be ready technologically to integrate the notification of protective order service into the VINE system. Everyone will be trained and fully aware of their duties and responsibilities.

**The next Board meeting will be held at Anne Arundel Police Department Headquarters
on
Wednesday, February 3, 2010 at 10:00 a.m.**